

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY RUSSELL CANNON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C12-380-MJP-JPD

REPORT AND RECOMMENDATION


Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 4. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 27.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. On remand, the Administrative Law Judge (“ALJ”) shall give plaintiff an opportunity for a new hearing, to further develop the record, and issue a new decision. Specifically, the ALJ shall further evaluate all of plaintiff’s mental impairments and determine if his drug and alcohol abuse is material in

1 the disability finding; further evaluate the opinions of the treating, examining, non-examining,
2 and non-medical sources and provide adequate rationale for either accepting or rejecting these
3 opinions; further evaluate plaintiff's residual functional capacity; if necessary, obtain a
4 psychological medical consultant to resolve any discrepancies; and, if necessary, obtain a
5 vocational expert testimony at Step 5, ensuring that the vocational expert is presented with a
6 hypothetical that is consistent with the residual functional capacity ultimately found.

7 Upon proper application, the Court will consider whether reasonable attorney's fees
8 should be awarded pursuant to 28 U.S.C. § 2412. A proposed order accompanies this Report and
9 Recommendation.

10 DATED this 18th day of December, 2012.

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12 JAMES P. DONOHUE
13 United States Magistrate Judge
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